

THE COUNTY COURT AT BRISTOL

Claim No:

2 Redcliff Street
Bristol
BS1 6GR

16th January 2016

BEFORE:

DISTRICT JUDGE COPE

BRISTOL CITY COUNCIL

CLAIMANT/APPLICANT

-v-

ELIZABETH TAYLOR

DEFENDANT/RESPONDENT

MR DENFORD appeared on behalf of the Claimant/Applicant

MR FANSON appeared on behalf of the Defendant/Respondent

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JUDGMENT

16th January 2016

DISTRICT JUDGE COPE:

1. On 15th January, or possibly in the early hours of 16th January, the Defendant was arrested for being in breach of an injunction obtained by Bristol City Council. The injunction was made by Deputy District Judge Orme on 15th October 2015.
2. Today the Claimant is represented by Mr Denford and the Defendant represented by Mr Fanson. The Defendant admits a breach and invites the court to dispose of the matter today.
3. I have read the witness statements of PC Venice, PC Ayres and the handwritten witness statement of Mr Denford. I have heard no oral evidence.
4. There is quite some history to this matter. Ms Taylor, you were arrested on 17th December 2015, and stated, when you appeared before the court, that you were not aware of the injunction. The injunction was confirmed, and amended that day when you were present in court.
5. The matter was listed for trial to deal with the breach on 13th January 2016, but you failed to attend the hearing on 13th January 2016 and it was disposed of in your absence by His Honour Judge Ambrose, with a fine of £100 being imposed.

6. On 15th January, or in the early hours of 16th January, you were arrested when you were found at Latchmore House. The circumstances have been set out in the witness statements from the police officers. They say that you spat at them, and PC Venice says that you kicked at his left arm whilst he was driving.
7. I am told that the injunction made on 15th October 2015 was put in place to protect a resident, namely Mr Griffiths, and to protect him from being assaulted. You were found in his flat. In fact, you were due to attend the Bristol Crown Court with regard to an assault on Mr Griffiths on 14th January 2016, and I am told that you did not attend that hearing either.
8. Mr Denford says today that this injunction, and breach of it, is very serious from the local authority's point of view, and the purpose of the injunction was to protect Mr Griffiths. Further, I am told that you were imprisoned in early 2015 with regard to breach of an earlier injunction. There is a suggestion that when the police arrested you that you were drunk, so Mr Denford says that you are fully aware of the injunction, and yet you continued to breach it.
9. Mr Fanson on your behalf says that you were outside the Co-Op. You saw a dog, which you recognised as belonging to Mr Griffiths, and so you took the dog back to Mr Griffiths and he let you into his flat. The police had been called in respect of a separate matter, found you in his flat and

arrested you, and so he says on your behalf that no alarm, distress or harassment was intended, but he accepts that there is a strong argument to put this breach in the middle category of the Antisocial Behaviour Order guidelines, and on that basis it is accepted that the starting point would be six weeks' imprisonment.

10. Mr Fanson invites me to impose a suspended sentence on the basis that you are 36 years old; that until twelve months ago you have led a very chaotic lifestyle, but that things have improved; that you have been drug and alcohol free for about that period, and that you are the carer of your 64 year old mother, who is a stroke victim and is paralysed in part.
11. He says that you are pregnant, but how many months into that pregnancy is unclear, and that if I were to impose a custodial sentence, but to suspend it, it would reinforce the order and reiterate to you what a breach would mean; namely, that you would go to prison.
12. I remind myself that the objective of a hearing with regard to a breach of an injunction is for the court to mark its disapproval of the order having been breached. I have considered what has been said on your behalf by Mr Fanson.
13. You are here before this court again in respect of a breach of an injunction. You failed to attend the hearing on 13th January 2016, and you were fined

in your absence. You should not have been at Mr Griffiths's flat, and your account as to how you found yourself there is hard to accept.

14. I agree that the breach is in the middle category of the Antisocial Behaviour Order guidelines, and the starting point is, therefore, a six weeks' custodial sentence.
15. There are several aggravating factors to this matter: First, you have disobeyed court orders; secondly, the breach was committed soon after the order was made; thirdly, the court has already had to deal with a breach; fourthly, the injunction was to protect Mr Griffiths, and you accept that you were in his flat.
16. As for mitigating factors, I am told that you are pregnant and that you are also the carer for your ill mother, and that your lifestyle appears to have improved in the last twelve months.
17. I consider that the appropriate sentence to be six weeks, and at the bottom end of the middle category, and I remind myself that it is a two-stage process.
18. I am suspending the sentence on this occasion to give you an opportunity to reflect on your behaviour and to show to this court that you can abide by the injunction that was made in October 2015, but let me be clear that if

you appear before this court again you must be prepared for that sentence to be activated.

19. I shall suspend the sentence until 11.59pm on 15th January 2017.
